

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

DETRA WILEY PATE,)	
)	
Petitioner,)	
)	
v.)	CR 118-008
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

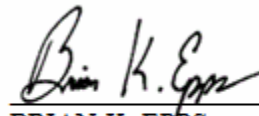
On October 20, 2023, Petitioner filed an amended motion pursuant to 28 U.S.C. § 2255 to vacate, set aside, or correct her sentence. (Doc. no. 219.) Petitioner’s amended petition claims three grounds for relief: (1) Petitioner’s conviction and twenty-four-month consecutive sentence for health care fraud is improper in light of Dubin v. United States, 599 U.S. 110 (2023), (2) her sentencing guideline range was improperly calculated using intended loss, contrary to United States v. Dupree, 57 F.4th 1269 (11th Cir. 2023), and (3) Petitioner is entitled to a retroactive two-point reduction in “status points” in light of a November 20, 2023 amendment to the Sentencing Guidelines. (Id.) In response to the amended petition, Respondent moved to dismiss Petitioner’s § 2255 motion on November 20, 2023, (doc. no. 222), to which Petitioner timely responded on December 13, 2023, (doc. no. 228).

On January 22, 2024, Chief United States District Judge J. Randal Hall granted Petitioner’s Motion for Compassionate Release under 18 U.S.C. § 3582(c)(1)(A), (doc. no. 231), which was filed independent of Petitioner’s § 2255 motion, (see doc. nos. 203, 219). In

granting compassionate release, Chief Judge Hall reduced Petitioner's custodial term of imprisonment to time served and modified Petitioner's supervised release to require a total of five years of supervised release, with the first twenty-four months on home detention. (Id.)

In light of the modifications to Petitioner's sentence, the Court recognizes the parties may wish to amend or waive various arguments presented in Petitioner's amended § 2255 motion, Respondent's motion to dismiss, and Petitioner's response to the motion to dismiss. Thus, the Court **ORDERS** the parties to conduct a conference within fourteen days of the date of this Order, and to file a Joint Status Report within seven days of the date of the conference. Specifically, the parties shall confer regarding whether, in light of Petitioner's sentence modification, the arguments raised in Petitioner's amended § 2255 motion and Respondent's motion to dismiss stand, are moot, or otherwise require clarification or amendment. The Joint Status Report shall inform the Court whether Petitioner's amended § 2255 motion and Respondent's motion to dismiss are ready for disposition as filed, despite the intervening change to Petitioner's sentence. If Petitioner's sentence modification warrants clarification of the issues presented, the parties shall propose a supplemental briefing schedule in the Joint Status Report. Upon receipt of the Joint Status Report, the Court will determine how to proceed.

SO ORDERED this 12th day of February, 2024, at Augusta, Georgia.


BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA